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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**
12

13 In the Matter of the Accusation Against:

Case No. 2011-876

14 **CURTIS MATTHEW GAVIN**
384 Sweetwood Way
15 Watsonville, CA 95076
16 **Registered Nurse License No. 475631**
17 **Public Health Certification No. 49676**

A C C U S A T I O N

18 Respondent.
19

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On or about March 31, 1992, the Board of Registered Nursing issued Registered
26 Nurse License Number 475631 to Curtis Matthew Gavin (Respondent). The Registered Nurse
27 License was in full force and effect at all times relevant to the charges brought in this Accusation
28 and will expire on January 31, 2012, unless renewed.

1 3. On or about November 2, 1992, the Board of Registered Nursing issued Public Heal
2 Nurse Certification Number 49676 to Curtis Matthew Gavin (Respondent). The Public Health
3 Nurse Certification was in full force and effect at all times relevant to the charges brought in this
4 Accusation and will expire January 31, 2012, unless renewed.

5 **JURISDICTION**

6 4. This Accusation is brought before the Board of Registered Nursing (Board),
7 Department of Consumer Affairs, under the authority of the following laws. All section
8 references are to the Business and Professions Code unless otherwise indicated.

9 5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
10 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
11 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
12 Nursing Practice Act.

13 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
14 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
15 licensee or to render a decision imposing discipline on the license.

16 7. Section 118, subdivision (b) of the Code provides that the expiration of a license does
17 not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
18 within which the license may be renewed, restore, reissues, or reinstated.

19 **STATUTORY PROVISIONS**

20 8. Section 2761 of the Code states:

21 "The board may take disciplinary action against a certified or licensed nurse or deny an
22 application for a certificate or license for any of the following:

23 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

24 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
25 functions."

26 9. Section 2762 of the Code states:

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1 "In addition to other acts constituting unprofessional conduct within the meaning of this
2 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
3 chapter to do any of the following:

4 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
5 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
6 administer to another, any controlled substance as defined in Division 10 (commencing with
7 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
8 defined in Section 4022.

9 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
10 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
11 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
12 himself or herself, any other person, or the public or to the extent that such use impairs his or her
13 ability to conduct with safety to the public the practice authorized by his or her license.

14 ...

15 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
16 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
17 section."

18 COST RECOVERY

19 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licensee found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 DRUGS

24 11. "Fentanyl" (trade name "Sublimaze") is a potent synthetic narcotic analgesic used to
25 treat chronic breakthrough pain. It is a Schedule II controlled substance pursuant to Health and
26 Safety Code section 11055, subdivision (c)(8) and a dangerous drug pursuant to Business and
27 Professions Code section 4022.

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12. "Vicodin and Vicodin ES" is used to relieve moderate to severe pain. It is a Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e)(4) and a dangerous drug pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Grossly Incorrect and/or Grossly Inconsistent Entries in Patient Records)

13. Respondent has subjected his license to disciplinary action under section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in section 2762, subdivision (e), as follows:

A. On or about December 3, 2008, through June 10, 2009, while employed as a registered nurse at Santa Cruz Surgery Center, in Santa Cruz, California, Respondent made grossly incorrect or grossly inconsistent entries in hospital and patient records pertaining to a controlled substance in the following respects:

1. On December 3, 2008, at 7:00 a.m., Respondent charted in the Controlled Drug Daily Record that he removed 14 vials of Fentanyl from the narcotic cabinet for Dr. Fox. Respondent charted the return of six vials of Fentanyl in the Controlled Drug Daily Record at 3:30 p.m. Dr. Fox charted the administration of four vials of Fentanyl on December 3, 2008, in the patient anesthesia records. Respondent failed to return or otherwise account for four unused vials of Fentanyl.

2. On December 5, 2008, at 7:10 a.m., Respondent charted in the Controlled Drug Daily Record that he removed 14 vials of Fentanyl from the narcotic cabinet for Dr. Herald. Respondent charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at 5:55 p.m. Dr. Herold charted the administration of five vials of Fentanyl on December 5, 2008, in the patient anesthesia records. Respondent failed to return or otherwise account for seven unused vials of Fentanyl.

3. On February 18, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily Record that he removed 14 vials of Fentanyl from the narcotic cabinet for Dr. Cheng. Respondent charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at 3:10 p.m. Dr Cheng charted the administration of eight vials of Fentanyl on February 18, 2009,

1 in the patient anesthesia records. Respondent failed to return or otherwise account for four
2 unused vials of Fentanyl.

3 4. On February 25, 2009, at 7:05 a.m. and 10:45 a.m., Respondent charted in the
4 Controlled Drug Daily Record that he removed eight vials of Fentanyl and three vials of Fentanyl,
5 respectively, from the narcotic cabinet for Dr. Cheng. Respondent did not chart the return of any
6 vials of Fentanyl in the Controlled Drug Daily Record. Dr. Cheng charted the administration of
7 eight vials of Fentanyl on February 25, 2009, in the patient anesthesia records. Respondent failed
8 to return or otherwise account for three unused vials of Fentanyl.

9 5. On February 27, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
10 Record that he removed eight vials of Fentanyl from the narcotic cabinet for Dr. Cheng.
11 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
12 1:30 p.m. Dr. Cheng charted the administration of three vials of Fentanyl on February 27, 2009,
13 in the patient anesthesia records. Respondent failed to return or otherwise account for four
14 unused vials of Fentanyl.

15 6. On March 4, 2009, at 7:01 a.m., Respondent charted in the Controlled Drug Daily
16 Record that he removed 12 vials of Fentanyl from the narcotic cabinet for Dr. Wahler.
17 Respondent charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at
18 2:50 p.m. Dr. Wahler charted the administration of six vials of Fentanyl on March 4, 2009, in the
19 patient anesthesia records. Respondent failed to return or otherwise account for four unused vials
20 of Fentanyl.

21 7. On March 5, 2009, at 7:00 a.m., Respondent charted in the Controlled Drug Daily
22 Record that he removed eight vials of Fentanyl from the narcotic cabinet for Dr. Percival.
23 Respondent charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at
24 2:10 p.m. Dr. Percival charted the administration of one vial of Fentanyl, on March 5, 2009, in
25 the patient anesthesia records. Respondent failed to return or otherwise account for four unused
26 vials of Fentanyl.

27 8. On March 11, 2009, at 7:01 a.m., Respondent charted in the Controlled Drug Daily
28 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Hess. Respondent

1 charted the return of two vials of Fentanyl in the controlled Drug Daily Record at 2:05 p.m.
2 Dr. Hess charted the administration of four vials of Fentanyl on March 11, 2009, in the patient
3 anesthesia records. Respondent failed to return or otherwise account for four unused vials of
4 Fentanyl.

5 9. On March 18, 2009, at 7:03 a.m. and 10:00 a.m., Respondent charted in the
6 Controlled Drug Daily Record that he removed 12 vials of Fentanyl and four vials of Fentanyl
7 from the narcotic cabinet, respectively, for Dr. Desai. Respondent charted the return of one vial
8 of Fentanyl in the Controlled Drug Daily Record at 3:40 p.m. Dr. Desai charted the
9 administration of eight vials of Fentanyl on March 18, 2009, in the patient anesthesia records.
10 Respondent failed to return or otherwise account for seven unused vials of Fentanyl.

11 10. On March 25, 2009, at 7:02 a.m., Respondent charted in the Controlled Drug Daily
12 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Fox. Respondent
13 charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at 12:10 p.m.
14 Dr. Fox charted the administration of six vials of Fentanyl on March 25, 2009, in the patient
15 anesthesia records. Respondent failed to return or otherwise account for three unused vials of
16 Fentanyl.

17 11. On April 8, 2009, at 7:07 a.m. Respondent charted in the Controlled Drug Daily
18 Record that he removed 10 vials of Fentanyl from the narcotic cabinet and at 12:00 p.m.,
19 Respondent charted in the Controlled Drug Daily Record that he removed four vials of Fentanyl
20 from the narcotic cabinet, for Dr. Wahler. Respondent charted the return of one vial of Fentanyl
21 in the Controlled Drug Daily Record at 2:30 p.m. Dr. Wahler charted the administration of seven
22 vials of Fentanyl on April 8, 2009, in the patient anesthesia records. Respondent failed to return
23 or otherwise account for six unused vials of Fentanyl.

24 12. On April 17, 2009, at 7:00 a.m., Respondent charted in the Controlled Drug Daily
25 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Laflin. Respondent
26 charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at 12:10 p.m.
27 Dr. Laflin charted the administration of four vials of Fentanyl on April 17, 2009, in the patient
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1 anesthesia records. Respondent failed to return or otherwise account for four unused vials of
2 Fentanyl.

3 13. On April 29, 2009, at 7:02 a.m., Respondent charted in the Controlled Drug Daily
4 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Takacs.
5 Respondent charted the return of six vials of Fentanyl in the Controlled Drug Daily Record at
6 1:25 p.m. Dr. Takacs did not chart the administration of any Fentanyl for that day, in the patient
7 anesthesia records. Respondent failed to return or otherwise account for four unused vials of
8 Fentanyl.

9 14. On May 6, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
10 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Herold.
11 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
12 1:30 p.m. Dr. Herold charted the administration of four vials of Fentanyl on May 6, 2009, in the
13 patient anesthesia records. Respondent failed to return or otherwise account for five unused vials
14 of Fentanyl.

15 15. On May 20, 2009, at 7:00 a.m., Respondent charted in the Controlled Drug Daily
16 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Plumb.
17 Respondent charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at
18 2:30 p.m. Dr. Plumb charted the administration of four vials of Fentanyl on May 20, 2009, in the
19 patient anesthesia records. Respondent failed to return or otherwise account for four unused vials
20 of Fentanyl.

21 16. On May 21, 2009, at 7:00 a.m., Respondent charted in the Controlled Drug Daily
22 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Wahler.
23 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
24 4:20 p.m. Dr. Wahler charted the administration of six vials of Fentanyl on May 21, 2009, in the
25 patient anesthesia records. Respondent failed to return or otherwise account for three unused
26 vials of Fentanyl.

27 17. On May 27, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
28 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Plumb.

1 Respondent charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at
2 3:35 p.m. Dr. Plumb charted the administration of four vials of Fentanyl on May 27, 2009, in the
3 patient anesthesia records. Respondent failed to return or otherwise account for four unused vials
4 of Fentanyl.

5 18. On June 3, 2009, at 7:15 a.m., Respondent charted in the Controlled Drug Daily
6 Record that he removed eight vials of Fentanyl from the narcotic cabinet for Dr. Herold.
7 Respondent did not chart the return of any vials of Fentanyl in his entry to the Controlled Drug
8 Daily Record at 12:00 p.m. Dr. Herold charted the administration of four vials of Fentanyl on
9 June 3, 2009, in the patient anesthesia records. Respondent failed to return or otherwise account
10 for four unused vials of Fentanyl.

11 19. On June 4, 2009, at 7:10 a.m. Respondent charted in the Controlled Drug Daily
12 Record that he removed eight vials of Fentanyl and at 11:30 a.m., Respondent charted in the
13 Controlled Drug Daily Record that he removed three vials of Fentanyl from the narcotic cabinet,
14 respectively, for Dr. Wahler. Respondent did not chart the return of any vials of Fentanyl in his
15 entry to the Controlled Drug Daily Record at 1:10 p.m. Dr. Wahler charted the administration of
16 six vials of Fentanyl on June 4, 2009, in the patient anesthesia records. Respondent failed to
17 return or otherwise account for five unused vials of Fentanyl.

18 20. On June 11, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
19 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Takacs.
20 Respondent charted the return of six vials of Fentanyl in the Controlled Drug Daily Record at
21 2:05 p.m. Dr. Takacs did not chart the administration of any Fentanyl for that day, in the patient
22 anesthesia records. Respondent failed to return or otherwise account for four unused vials of
23 Fentanyl.

24 21. On August 20, 2008, at 7:20 a.m., Respondent charted in the Controlled Drug Daily
25 Record that he removed four vials of Fentanyl from the narcotic cabinet for Dr. Percival.
26 Respondent charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at
27 1:10 p.m. Dr. Percival did not chart the administration of any Fentanyl for that day, in the patient
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1 anesthesia records. Respondent failed to return or otherwise account for one unused vial of
2 Fentanyl.

3 22. On August 28, 2008, at 7:08 a.m., Respondent charted in the Controlled Drug Daily
4 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Laflin.
5 Respondent charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at
6 1:05 p.m. Dr. Laflin charted the administration of three vials of Fentanyl on August 28, 2008, in
7 the patient anesthesia records. Respondent failed to return or otherwise account for one unused
8 vial of Fentanyl.

9 23. On August 29, 2008, at 7:00 a.m., Respondent charted in the Controlled Drug Daily
10 Record that he removed four vials of Fentanyl from the narcotic cabinet for Dr. Percival.
11 Respondent charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at
12 11:52 a.m. Dr. Percival charted the administration of one vial of Fentanyl on August 29, 2008, in
13 the patient anesthesia records. Respondent failed to return or otherwise account for one unused
14 vial of Fentanyl.

15 24. On September 3, 2008, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
16 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Glina. Respondent
17 charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at 4:59 p.m.
18 Dr. Glina charted the administration of four vials of Fentanyl on September 3, 2008, in the patient
19 anesthesia records. Respondent failed to return or otherwise account for one unused vial of
20 Fentanyl.

21 25. On September 4, 2008, at 7:04 a.m., Respondent charted in the Controlled Drug Daily
22 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Takacs.
23 Respondent charted the return of four vials of Fentanyl in the Controlled Drug Daily Record at
24 12:25 p.m. Dr. Takacs charted the administration of one vial of Fentanyl on September 4, 2008,
25 in the patient anesthesia records. Respondent failed to return or otherwise account for one unused
26 vial of Fentanyl.

27 26. On September 5, 2008, at 6:57 a.m., Respondent charted in the Controlled Drug Daily
28 Record that he removed four vials of Fentanyl from the narcotic cabinet for Dr. Desai.

1 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
2 12:20 p.m. Dr. Desai charted the administration of two vials of Fentanyl on September 5, 2008,
3 in the patient anesthesia records. Respondent failed to return or otherwise account for one unused
4 vial of Fentanyl.

5 27. On September 10, 2008 at 12:38 p.m., Respondent charted in the Controlled Drug
6 Daily Record that he removed three vials of Fentanyl from the narcotic cabinet for Dr. Plumb.
7 Respondent charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at
8 2:25 p.m. Dr. Plumb did not chart the administration of any Fentanyl that day in the patient
9 anesthesia records. Respondent failed to return or otherwise account for one unused vial of
10 Fentanyl.

11 28. On September 11, 2008, at 7:15 a.m., Respondent charted in the Controlled Drug
12 Daily Record that he removed three vials of Fentanyl from the narcotic cabinet for Dr. Desai.
13 Respondent did not chart the return of any vials of Fentanyl in his entry to the Controlled Drug
14 Daily Record at 9:58 a.m. Dr. Desai charted the administration of two vials of Fentanyl on
15 September 11, 2008, in the patient anesthesia records. Respondent failed to return or otherwise
16 account for one unused vial of Fentanyl.

17 29. On September 17, 2008 at 7:15 a.m., Respondent charted in the Controlled Drug
18 Daily Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Desai.
19 Respondent charted the return of four vials of Fentanyl in the Controlled Drug Daily Record at
20 2:30 p.m. Dr. Desai charted the administration of four vials of Fentanyl on September 17, 2008,
21 in the patient anesthesia records. Respondent failed to return or otherwise account for two unused
22 vials of Fentanyl.

23 30. On September 18, 2008 at 7:10 a.m., Respondent charted in the Controlled Drug
24 Daily Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Glina.
25 Respondent charted the return of four vials of Fentanyl in the Controlled Drug Daily Record at
26 1:00 p.m. Dr. Glina charted the administration of one vial of Fentanyl on September 18, 2008, in
27 the patient anesthesia records. Respondent failed to return or otherwise account for one unused
28 vial of Fentanyl.

1 31. On September 19, 2008, at 7:07 a.m., Respondent charted in the Controlled Drug
2 Daily Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Rigler.
3 Respondent charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at
4 2:20 p.m. Dr. Rigler charted the administration of five vials of Fentanyl on September 19, 2008,
5 in the patient anesthesia records. Respondent failed to return or otherwise account for two unused
6 vials of Fentanyl.

7 32. On September 25, 2008, at 7:05 a.m., Respondent charted in the Controlled Drug
8 Daily Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Glina.
9 Respondent charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at
10 1:05 p.m. Dr. Glina charted the administration of two vials of Fentanyl on September 25, 2008,
11 in the patient anesthesia records. Respondent failed to return or otherwise account for one unused
12 vial of Fentanyl.

13 33. On September 26, 2008, at 7:00 a.m., Respondent charted in the Controlled Drug
14 Daily Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Hess.
15 Respondent charted the return of four vials of Fentanyl in the Controlled Drug Daily Record at
16 3:15 p.m. Dr. Hess charted the administration of four vials of Fentanyl on September 26, 2008, in
17 the patient anesthesia records. Respondent failed to return or otherwise account for two unused
18 vials of Fentanyl.

19 34. On October 1, 2008, at 7:06 a.m., Respondent charted in the Controlled Drug Daily
20 Record that he removed eight vials of Fentanyl from the narcotic cabinet for Dr. Percival.
21 Respondent charted the return of six vials of Fentanyl in the Controlled Drug Daily Record at
22 1:15 p.m. Dr. Percival charted the administration of one vial of Fentanyl on October 1, 2008, in
23 the patient anesthesia records. Respondent failed to return or otherwise account for one unused
24 vial of Fentanyl.

25 35. On October 3, 2008, at 7:00 a.m., Respondent charted in the Controlled Drug Daily
26 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Kim. Respondent
27 charted the return of three vials of Fentanyl in the Controlled Drug Daily Record, but did not
28 chart the time the Fentanyl was returned. Dr. Kim charted the administration of two vials of

1 Fentanyl on October 3, 2008, in the patient anesthesia records. Respondent failed to return or
2 otherwise account for one unused vial of Fentanyl.

3 36. On October 9, 2008, at 7:17 a.m., Respondent charted in the Controlled Drug Daily
4 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Laflin.
5 Respondent charted the return of five vials of Fentanyl in the Controlled Drug Daily Record at
6 12:35 p.m. Dr. Laflin did not chart the administration of any Fentanyl that day in the patient
7 anesthesia records. Respondent failed to return or otherwise account for one unused vial of
8 Fentanyl.

9 37. On October 10, 2008, at 7:10 a.m., Respondent charted in the Controlled Drug Daily
10 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Hess. Respondent
11 charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at 12:05 p.m.
12 Dr. Hess charted the administration of two vials of Fentanyl on October 10, 2008, in the patient
13 anesthesia records. Respondent failed to return or otherwise account for one unused vial of
14 Fentanyl.

15 38. On October 15, 2008, at 7:00 a.m., Respondent charted in the Controlled Drug Daily
16 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Glina. Respondent
17 charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at 12:30 p.m.
18 Dr. Glina charted the administration of two vials of Fentanyl on October 15, 2008, in the patient
19 anesthesia records. Respondent failed to return or otherwise account for one unused vial of
20 Fentanyl.

21 39. On October 16, 2008, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
22 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Nabipour.
23 Respondent charted the return of four vials of Fentanyl in the Controlled Drug Daily Record at
24 3:50 p.m. Dr. Nabipour charted the administration of one vial of Fentanyl on October 16, 2008,
25 in the patient anesthesia records. Respondent failed to return or otherwise account for one unused
26 vial of Fentanyl.

27 40. On October 17, 2008, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
28 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Herold.

1 Respondent charted the return of four vials of Fentanyl in the Controlled Drug Daily Record at
2 3:30 p.m. Dr. Herold charted the administration of four vials of Fentanyl on October 17, 2008, in
3 the patient anesthesia records. Respondent failed to return or otherwise account for two unused
4 vials of Fentanyl.

5 41. On October 22, 2008, at 7:10 a.m., Respondent charted in the Controlled Drug Daily
6 Record that he removed eight vials of Fentanyl from the narcotic cabinet for Dr. Plumb.
7 Respondent charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at
8 12:50 p.m. Dr. Plumb charted the administration of four vials of Fentanyl on October 22, 2008,
9 in the patient anesthesia records. Respondent failed to return or otherwise account for one unused
10 vial of Fentanyl.

11 42. On October 24, 2008, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
12 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Nabipour.
13 Respondent charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at
14 10:46 a.m. Dr. Nabipour charted the administration of two vials of Fentanyl on October 24, 2008,
15 in the patient anesthesia records. Respondent failed to return or otherwise account for one unused
16 vial of Fentanyl.

17 43. On October 29, 2008, at 7:00 a.m., Respondent charted in the Controlled Drug Daily
18 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Percival.
19 Respondent charted the return of eight vials of Fentanyl in the Controlled Drug Daily Record at
20 3:15 p.m. Dr. Percival charted the administration of one vial of Fentanyl on October 29, 2008, in
21 the patient anesthesia records. Respondent failed to return or otherwise account for one unused
22 vial of Fentanyl.

23 44. On October 31, 2008, at 7:10 a.m., Respondent charted in the Controlled Drug Daily
24 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Fox. Respondent
25 charted the return of four vials of Fentanyl in the Controlled Drug Daily Record at 3:40 p.m.

26 Dr. Fox charted the administration of five vials of Fentanyl on October 31, 2008, in the patient
27 anesthesia records. Respondent failed to return or otherwise account for one unused vial of
28 Fentanyl.

1 45. On November 5, 2008, at 7:08 a.m., Respondent charted in the Controlled Drug Daily
2 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Herold.

3 Respondent charted the return of four vials of Fentanyl in the Controlled Drug Daily Record at
4 12:45 p.m. Dr. Herold charted the administration of five vials of Fentanyl on November 5, 2008,
5 in the patient anesthesia records. Respondent failed to return or otherwise account for one unused
6 vial of Fentanyl.

7 46. On November 6, 2008, at 7:10 a.m., Respondent charted in the Controlled Drug Daily
8 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Desai. Respondent
9 charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at 10:50 a.m.
10 Dr. Desai charted the administration of three vials of Fentanyl on November 6, 2008, in the
11 patient anesthesia records. Respondent failed to return or otherwise account for one unused vial
12 of Fentanyl.

13 47. On November 6, 2008, at 10:55 a.m., Respondent charted in the Controlled Drug
14 Daily Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Cheng.
15 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
16 1:30 p.m. Dr. Cheng charted the administration of four vials of Fentanyl on November 6, 2008,
17 in the patient anesthesia records. Respondent failed to return or otherwise account for one unused
18 vial of Fentanyl.

19 48. On November 12, 2008, at 7:15 a.m., Respondent charted in the Controlled Drug
20 Daily Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Desai.
21 Respondent charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at
22 2:18 p.m. Dr. Desai charted the administration of six vials of Fentanyl on November 12, 2008, in
23 the patient anesthesia records. Respondent failed to return or otherwise account for one unused
24 vial of Fentanyl.

25 49. On November 14, 2008, at 7:05 a.m., Respondent charted in the Controlled Drug
26 Daily Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Kim.
27 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
28 3:35 p.m. Dr. Kim charted the administration of eight vials of Fentanyl on November 14, 2008,

1 in the patient anesthesia records. Respondent failed to return or otherwise account for one unused
2 vial of Fentanyl.

3 50. On November 26, 2008, at 7:05 a.m., Respondent charted in the Controlled Drug
4 Daily Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Percival.
5 Respondent charted the return of seven vials of Fentanyl in the Controlled Drug Daily Record at
6 3:28 p.m. Dr. Percival charted the administration of one vial of Fentanyl on November 26, 2008,
7 in the patient anesthesia records. Respondent failed to return or otherwise account for two unused
8 vials of Fentanyl.

9 51. On December 10, 2008, at 7:05 a.m., Respondent charted in the Controlled Drug
10 Daily Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Cheng.
11 Respondent charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at
12 2:45 p.m. Dr. Cheng charted the administration of seven vials of Fentanyl on December 10,
13 2008, in the patient anesthesia records. Respondent failed to return or otherwise account for one
14 unused vial of Fentanyl.

15 52. On December 12, 2008, at 7:00 a.m., Respondent charted in the Controlled Drug
16 Daily Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Sharp.
17 Respondent charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at
18 3:10 p.m. Dr. Sharp charted the administration of six vials of Fentanyl on December 12, 2008, in
19 the patient anesthesia records. Respondent failed to return or otherwise account for two unused
20 vials of Fentanyl.

21 53. On December 19, 2008, at 7:15 a.m., Respondent charted in the Controlled Drug
22 Daily Record that he removed 15 vials of Fentanyl from the narcotic cabinet for Dr. Kim.
23 Respondent charted the return of five vials of Fentanyl in the Controlled Drug Daily Record at
24 10:46 a.m. Dr. Kim charted the administration of nine vials of Fentanyl on December 19, 2008, in
25 the patient anesthesia records. Respondent failed to return or otherwise account for one unused
26 vial of Fentanyl.

27 54. On December 24, 2008, at 7:11 a.m., Respondent charted in the Controlled Drug
28 Daily Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Glina.

1 Respondent charted the return of seven vials of Fentanyl in the Controlled Drug Daily Record at
2 10:46 a.m. Dr. Glina charted the administration of two vials of Fentanyl on December 24, 2008,
3 in the patient anesthesia records. Respondent failed to return or otherwise account for one unused
4 vial of Fentanyl.

5 55. On December 24, 2008, at 10:50 a.m., Respondent charted in the Controlled Drug
6 Daily Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Hess.
7 Respondent charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at
8 12:50 p.m. Dr. Hess did not chart the administration of any Fentanyl that day in the patient
9 anesthesia records. Respondent failed to return or otherwise account for three unused vials of
10 Fentanyl.

11 56. On December 31, 2008, at 7:11 a.m., Respondent charted in the Controlled Drug
12 Daily Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Herold.
13 Respondent charted the return of six vials of Fentanyl in the Controlled Drug Daily Record at
14 11:30 a.m. Dr. Herold charted the administration of three vials of Fentanyl on December 31,
15 2008, in the patient anesthesia records. Respondent failed to return or otherwise account for one
16 unused vial of Fentanyl.

17 57. On January 7, 2009, at 7:10 a.m., Respondent charted in the Controlled Drug Daily
18 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Herold.
19 Respondent did not chart the return of any Fentanyl in the Controlled Drug Record for that day.
20 Dr. Herold charted the administration of nine vials of Fentanyl on January 7, 2009, in the patient
21 anesthesia records. Respondent failed to return or otherwise account for one unused vial of
22 Fentanyl.

23 58. On January 8, 2009, at 7:15 a.m., Respondent charted in the Controlled Drug Daily
24 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Laflin.
25 Respondent charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at
26 1:40 p.m. Dr. Laflin charted the administration of two vials of Fentanyl on January 8, 2009, in
27 the patient anesthesia records. Respondent failed to return or otherwise account for one unused
28 vial of Fentanyl.

1 59. On January 14, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
2 Record that he removed eight vials of Fentanyl from the narcotic cabinet for Dr. Desai.
3 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
4 1:55 p.m. Dr. Desai charted the administration of four vials of Fentanyl on January 14, 2009, in
5 the patient anesthesia records. Respondent failed to chart the return or otherwise account for
6 three unused vials of Fentanyl.

7 60. On January 14, 2009, at 7:06 a.m., Respondent charted in the Controlled Drug Daily
8 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Desai. Respondent
9 charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at 3:28 p.m.
10 Dr. Desai charted the administration of seven vials of Fentanyl on January 14, 2009, in the patient
11 anesthesia records. Respondent failed to chart the return or otherwise account for two unused
12 vials of Fentanyl.

13 61. On January 22, 2009, at 7:10 a.m., Respondent charted in the Controlled Drug Daily
14 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Rigler.
15 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
16 2:00 p.m. Dr. Rigler charted the administration of three vials of Fentanyl on January 22, 2009, in
17 the patient anesthesia records. Respondent failed to chart the return or otherwise account for two
18 unused vials of Fentanyl.

19 62. On January 23, 2009, at 7:15 a.m., Respondent charted in the Controlled Drug
20 Daily Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Percival.
21 Respondent charted the return of four vials of Fentanyl in the Controlled Drug Daily Record at
22 4:30 p.m. Dr. Percival charted the administration of three vials of Fentanyl on January 23, 2009,
23 in the patient anesthesia records. Respondent failed to chart the return or otherwise account for
24 three unused vials of Fentanyl.

25 63. On January 28, 2009, at 7:10 a.m., Respondent charted in the Controlled Drug
26 Daily Record that he removed eight vials of Fentanyl from the narcotic cabinet for Dr. Herold.
27 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
28 12:45 p.m. Dr. Herold charted the administration of six vials of Fentanyl on January 28, 2009, in

1 the patient anesthesia records. Respondent failed to chart the return or otherwise account for one
2 unused vial of Fentanyl.

3 64. On February 4, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
4 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Percival.
5 Respondent charted the return of eight vials of Fentanyl in the Controlled Drug Daily Record at
6 1:00 p.m. Dr. Percival charted the administration of one vial of Fentanyl on February 4, 2009, in
7 the patient anesthesia records. Respondent failed to chart the return or otherwise account for one
8 unused vial of Fentanyl.

9 65. On February 5, 2009, at 7:15 a.m., Respondent charted in the Controlled Drug Daily
10 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Kim. Respondent
11 charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at 1:20 p.m.
12 Dr. Kim charted the administration of two vials of Fentanyl on February 5, 2009, in the patient
13 anesthesia records. Respondent failed to chart the return or otherwise account for one unused vial
14 of Fentanyl.

15 66. On February 12, 2009, at 8:30 a.m., Respondent charted in the Controlled Drug Daily
16 Record that he removed two vials of Fentanyl from the narcotic cabinet for Dr. Plumb.
17 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
18 11:00 a.m. Dr. Plumb did not chart that any Fentanyl was administered that day in the patient
19 anesthesia records. Respondent failed to chart the return or otherwise account for one unused vial
20 of Fentanyl.

21 67. February 13, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
22 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Takacs.
23 Respondent charted the return of six vials of Fentanyl in the Controlled Drug Daily Record at
24 4:10 p.m. Dr. Takacs charted the administration of one vial of Fentanyl on February 13, 2009, in
25 the patient anesthesia records. Respondent failed to chart the return or otherwise account for
26 three unused vials of Fentanyl.

27 68. On February 19, 2009, at 7:10 a.m., Respondent charted in the Controlled Drug Daily
28 Record that he removed five vials of Fentanyl from the narcotic cabinet for Dr. Fox. Respondent

1 did not chart the return of any Fentanyl for that day. Dr. Fox charted the administration of two
2 vials of Fentanyl on February 19, 2009, in the patient anesthesia records. Respondent failed to
3 chart the return or otherwise account for three unused vials of Fentanyl.

4 69. On March 4, 2009, at 7:00 a.m., Respondent charted in the Controlled Drug Daily
5 Record that he removed eight vials of Fentanyl from the narcotic cabinet for Dr. Percival.
6 Respondent charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at
7 2:10 p.m. Dr. Percival charted the administration of one vial of Fentanyl on March 4, 2009, in the
8 patient anesthesia records. Respondent failed to chart the return or otherwise account for four
9 unused vials of Fentanyl.

10 70. On March 12, 2009, at 12:28 p.m., Respondent charted in the Controlled Drug Daily
11 Record that he removed three vials of Fentanyl from the narcotic cabinet for Dr. Hess.
12 Respondent did not chart the return of any Fentanyl in the Controlled Drug Daily Record for that
13 day. Dr. Hess charted the administration of one vial of Fentanyl on March 12, 2009, in the
14 patient anesthesia records. Respondent failed to chart the return or otherwise account for two
15 unused vials of Fentanyl.

16 71. On March 18, 2009, at 7:02 a.m., Respondent charted in the Controlled Drug Daily
17 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Cheng.
18 Respondent charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at
19 5:45 p.m. Dr. Cheng charted the administration of six vials of Fentanyl on March 18, 2009, in the
20 patient anesthesia records. Respondent failed to chart the return or otherwise account for one
21 unused vial of Fentanyl.

22 72. On March 19, 2009, at 7:00 a.m., Respondent charted in the Controlled Drug Daily
23 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Percival.
24 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
25 4:30 p.m. Dr. Percival charted the administration of one vial of Fentanyl on March 19, 2009, in
26 the patient anesthesia records. Respondent failed to chart the return or otherwise account for four
27 unused vials of Fentanyl.

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1 73. On March 25, 2009, at 7:01 a.m., Respondent charted in the Controlled Drug Daily
2 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Hess. Respondent
3 charted the return of three vials of Fentanyl in the Controlled Drug Daily Record at 5:15 p.m.
4 Dr. Hess charted the administration of five vials of Fentanyl on March 25, 2009, in the patient
5 anesthesia records. Respondent failed to chart the return or otherwise account for two unused
6 vials of Fentanyl.

7 74. On March 26, 2009, at approximately 7:00 a.m., Respondent charted in the
8 Controlled Drug Daily Record that he removed 12 vials of Fentanyl from the narcotic cabinet for
9 Dr. Fox. Respondent charted the return of two vials of Fentanyl in the Controlled Drug Daily
10 Record at 4:30 p.m. Dr. Fox charted the administration of five vials of Fentanyl on March 26,
11 2009, in the patient anesthesia records. Respondent failed to chart the return or otherwise account
12 for five unused vials of Fentanyl.

13 75. On April 2, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
14 Record that he removed eight vials of Fentanyl from the narcotic cabinet for Dr. Cheng.
15 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
16 1:32 p.m. Dr. Cheng charted the administration of five vials of Fentanyl on April 2, 2009, in the
17 patient anesthesia records. Respondent failed to chart the return or otherwise account for two
18 unused vials of Fentanyl.

19 76. On April 3, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
20 Record that he removed eight vials of Fentanyl from the narcotic cabinet for Dr. Glina.
21 Respondent charted the return of one vial of Fentanyl in the Controlled Drug Daily Record at
22 1:47 p.m. Dr. Glina charted the administration of five vials of Fentanyl on April 3, 2009, in the
23 patient anesthesia records. Respondent failed to chart the return or otherwise account for two
24 unused vials of Fentanyl.

25 77. On April 9, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
26 Record that he removed six vials of Fentanyl from the narcotic cabinet for Dr. Laflin.
27 Respondent charted in the Controlled Drug Daily Record that he removed two additional vials of
28 Fentanyl for Dr. Laflin, at 1:04 p.m. Respondent did not chart the return of any Fentanyl in the

1 Controlled Drug Daily Record for that day. Dr. Laflin charted the administration of two vials of
2 Fentanyl on April 9, 2009, in the patient anesthesia records. Respondent failed to chart the return
3 or otherwise account for six unused vials of Fentanyl.

4 78. On April 16, 2009, at 6:55 a.m., Respondent charted in the Controlled Drug Daily
5 Record that he removed eight vials of Fentanyl from the narcotic cabinet for Dr. Percival.
6 Respondent charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at
7 12:45 p.m. Dr. Percival charted the administration of one vial of Fentanyl on April 16, 2009, in
8 the patient anesthesia records. Respondent failed to chart the return or otherwise account for five
9 unused vials of Fentanyl.

10 79. On May 7, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
11 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Rigler. Respondent
12 charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at 2:50 p.m.
13 Dr. Rigler charted the administration of three vials of Fentanyl on May 7, 2009, in the patient
14 anesthesia records. Respondent failed to chart the return or otherwise account for five unused
15 vials of Fentanyl.

16 80. On May 13, 2009, at 7:00 a.m., Respondent charted in the Controlled Drug Daily
17 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Cheng.
18 Respondent charted in the Controlled Drug Daily Record that he removed two additional vials of
19 Fentanyl for Dr. Cheng at 9:20 a.m. Respondent charted in the Controlled Drug Daily Record
20 that he removed an additional six vials of Fentanyl for Dr. Cheng at 1:00 p.m. Respondent
21 charted the return of two vials of Fentanyl in the Controlled Drug Daily Record at 3:30 p.m.
22 Dr. Cheng charted the administration of 10 vials of Fentanyl on May 13, 2009, in the patient
23 anesthesia records. Respondent failed to chart the return or otherwise account for six unused
24 vials of Fentanyl.

25 81. On May 14, 2009, at 7:02 a.m., Respondent charted in the Controlled Drug Daily
26 Record that he removed eight vials of Fentanyl from the narcotic cabinet for Dr. Nabipour.
27 Respondent charted in the Controlled Drug Daily Record that he removed two additional vials of
28 Fentanyl for Dr. Nabipour at 9:02 a.m. Respondent charted the return of five vials of Fentanyl in

1 the Controlled Drug Daily Record at 9:55 a.m. Dr. Nabipour did not chart in the patient
2 anesthesia records that any Fentanyl was administered that day. Respondent failed to chart the
3 return or otherwise account for five unused vials of Fentanyl.

4 82. On May 28, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
5 Record that he removed two vials of Fentanyl from the narcotic cabinet for Dr. Glina.
6 Respondent did not chart the return of any Fentanyl in his 12:55 p.m. entry to the Controlled Drug
7 Daily Record. Dr. Glina charted the administration of one vial of Fentanyl on May 28, 2009, in
8 the patient anesthesia records. Respondent failed to chart the return or otherwise account for one
9 unused vial of Fentanyl.

10 83. On June 5, 2009, at 7:00 a.m., Respondent charted in the Controlled Drug Daily
11 Record that he removed 12 vials of Fentanyl from the narcotic cabinet for Dr. Percival.
12 Respondent charted the return of seven vials of Fentanyl in the Controlled Drug Daily Record at
13 3:30 p.m. Dr. Percival charted the administration of three vials of Fentanyl on June 5, 2009, in
14 the patient anesthesia records. Respondent failed to chart the return or otherwise account for two
15 unused vials of Fentanyl.

16 84. On June 10, 2009, at 7:05 a.m., Respondent charted in the Controlled Drug Daily
17 Record that he removed 10 vials of Fentanyl from the narcotic cabinet for Dr. Takacs.
18 Respondent charted the return of six vials of Fentanyl in the Controlled Drug Daily Record at
19 1:05 p.m. Dr. Takacs did not chart in the patient anesthesia records that any Fentanyl was
20 administered that day. However, one vial of Fentanyl was charted as "wasted vial" on the Santa
21 Cruz Center Controlled Drug Record. Respondent failed to chart the return or otherwise account
22 for three unused vials of Fentanyl.

23 B. Between Spring and Summer of 2005, while employed as a registered nurse at
24 Central Coast Surgery Center, in Freedom, California, Respondent made grossly incorrect, or
25 grossly inconsistent entries in clinic and patient records pertaining to over 100 missing milliliters
26 of Fentanyl.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Use of Controlled Substance)

14. Respondent has subjected his license to disciplinary action under section 2761, subdivision (a) on the grounds of unprofessional conduct, as defined in section 2762, subdivision (e) in that on or about June 29, 2005, while employed as a registered nurse at Central Coast Surgery Center, in Freedom, California, Respondent tested positive for Vicodin. The circumstances are that Dr. McCleve, Medical Director and Anesthesiologist, observed that Respondent consistently showed signs of slurred speech around lunch time and after Respondent had spent time in the bathroom. Dr. McCleve confronted Respondent about the missing Fentanyl, described in subparagraph 11(B) above and requested that Respondent take a urine toxicology test. Respondent admitted to using Vicodin prescribed by a physician. However, Respondent was unable to produce a prescription for the Vicodin. Respondent was terminated on or after July 8, 2005, for pilfering, dishonesty, a partial confession of guilt, and on-the-job intoxication.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct Obtain Controlled Substance)

15. Respondent has subjected his license to disciplinary action under section 2761, subdivision (a) on the grounds of unprofessional conduct, as defined in section 2762, subdivision (b) in that he unlawfully obtained and/or possessed Vicodin without a physician's prescription as set forth in paragraph 14, above.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Gross Negligence)

16. Respondent has subjected his license to disciplinary action under section 2761, subdivision (a)(1) on the grounds of gross negligence based on the acts and/or omissions as set forth in paragraph 13, above.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Incompetence)**

3 17. Respondent has subjected his license to disciplinary action under section 2761,
4 subdivision (a)(1) on the grounds of incompetence based on the acts and/or omissions set forth in
5 paragraph 13, above.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
8 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

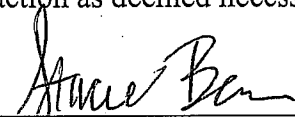
9 1. Revoking or suspending Registered Nurse License Number 475631, issued to Curtis
10 Matthew Gavin;

11 2. Revoking or suspending Public Health Nurse Certification No. 49676, issued to
12 Curtis Matthew Gavin;

13 3. Ordering Curtis Matthew Gavin to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;

16 4. Taking such other and further action as deemed necessary and proper.

17 DATED: 4/25/11

18 *for* 
19 LOUISE R. BAILEY, M.ED., RN
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

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